

GREGORY G. KATSAS  
Acting Attorney General  
JOSEPH P. RUSSONIELLO  
United States Attorney  
ARTHUR R. GOLDBERG  
MARK T. QUINLIVAN (D.C. BN 442782)  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
Telephone: (617) 748-3606

Attorneys for Official-Capacity Defendants

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

COUNTY OF SANTA CRUZ, et al.,

Plaintiffs,

v.

MICHAEL B. MUKASEY,  
Attorney General of the United States;  
of the United States; MICHELE  
LEONHART, Acting Administrator of  
the Drug Enforcement Administration;  
JOHN P. WALTERS, Director of the  
Office of National Drug Control Policy

Defendants.

Nos. C 03-1802 JF

**STIPULATION AND ORDER  
EXTENDING TIME TO FILE  
DEFENDANTS' ANSWER**

No Hearing requested.

The parties in the above-captioned action hereby stipulate as follows:

1. On August 20, 2008, this Court granted in part and denied in part defendants' motion to dismiss plaintiffs' Third and Fifth Causes of Action, and ordered that defendants filed an answer within 30 days. Defendants' answer currently is due on September 19, 2008.

2. Defendants need additional time to complete their answer. Among other matters, the undersigned Assistant U.S. Attorney has recently been occupied handling the following matters:

- (a) Drafting and filing the government's brief in In re Grand Jury, No. 08-0880, which was filed in the First Circuit on September 2, 2008;
- (b) Presenting oral argument before the First Circuit in United States v. Karen Sicher, No. 07-2414, on September 8, 2008;

- 1 (c) Reviewing the government's brief in United States v. Ronald Evano,  
2 No. 07-2605, which was filed in the First Circuit on September 10,  
3 2008;
- 4 (d) Reviewing the government's brief in United States v. William  
5 Olivero, No. 07-1587, which was filed in the First Circuit on  
6 September 15, 2008;
- 7 (e) Presenting oral argument before the U.S. District Court for the  
8 District of Massachusetts in United States v. Steven B. Wilkinson,  
9 Civil Action No. 07-12061 MLW, regarding the constitutionality of  
the Adam Walsh Child Protection and Safety Act of 2006, codified  
at 18 U.S.C. § 4248, on September 15, 2008.

10 The undersigned Assistant U.S. Attorney will be out of the office on travel on September  
11 18 and 19, 2008.

12 3. Defendants therefore request that the Court allow them an additional week, through  
13 September 26, 2008, in which to file their answer. Plaintiffs do not oppose this request.  
14

15 4. Defendants also anticipate filing a motion for reconsideration or, in the alternative, to  
16 certify an interlocutory appeal under 28 U.S.C. § 1292(b) and for a stay of discovery, and are  
17 discussing with counsel for the plaintiffs a schedule to propose to the Court.  
18

19 WHEREFORE, defendants respectfully request that this request be granted.  
20  
21  
22  
23  
24  
25  
26  
27  
28

Respectfully submitted:

The Plaintiffs,

The Defendants,

/s/ Allen Hopper  
ALLEN HOPPER  
American Civil Liberties Union Foundation  
1101 Pacific Avenue, Suite 553  
Santa Cruz, CA 95062  
(831) 471-8000

/s/ Mark T. Quinlivan  
MARK T. QUINLIVAN  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3606

Dated: September 17, 2008

PURSUANT TO STIPULATION, IT IS SO ORDERED

  
JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE

Dated: 9/24/08